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The Evening Herald

New Mexico—Tonight and Tuesday fair; not much change in temperature.

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ATTACKS ON EBANO CEASED BY VILLA FORCES WHO GO TO TUXPAM

Concentration of Troops Led by Bandit Chieftain Now Under Progress on the Seaboard Is Stated Officially.

EVACUATION OF CAPITAL UNDER WAY, IS REPORT

Rebel Leader Prefers to Fight Carranzist Armies North of Mexican City Is Belief of Former First Chief.

Washington, Dec. 28.—General Villa's forces have suspended their attacks on Ebano, near Tampico, and have concentrated their attacks on the southeast of Tuxpam, where fighting is in progress today, according to advices to the state department.

Reports issued early today by the Carranza agency here, saying that General Gutierrez had resigned and left Mexico City, were contradicted by dispatches to the state department from the Brazilian minister in Mexico City, who yesterday had a conference with Gutierrez.

The general situation as reflected in official dispatches was viewed as not altogether encouraging. Friction is regarded as apparent between the Zapata element and the Gutierrez-Villa faction. Thus far, however, it has not resulted in any serious break.

The chief trouble seems to have arisen over the question of execution and punishment of former federalists. Gutierrez and Villa have been in favor of suspending executions and giving some federalists an opportunity to join their cause. Zapata, now at Cuernavaca, is represented as opposed to that, as is General Palafios, minister of the interior in the Gutierrez cabinet and chief spokesman for Zapata. A compromise is being suggested whereby former federalists will be given fair trials. They also would be prohibited from joining the Gutierrez-Villa army. The American government has found that both Gutierrez and Villa look with favor on its suggestion for a general amnesty for political offenders, but that the Zapata element seems irreconcilably opposed to it.

The situation is expected to develop further at the national convention called for January 1 in Mexico City, when a new provisional president will be chosen.

Only meagre advices are in the possession of the state department as to the military activity of the Carranza forces. The latest reports say that Zapata's forces have advanced to include near Vera Cruz, and in cooperation with Villa forces are operating in the vicinity of Tuxpam and are driving the Carranza troops to the southeastern port of Mexico.

Advices from Consul Canada today said Tomas Brantley, who went from Washington with credentials from Rafael Zubizarain, Carranza's ambassador, had been taken into custody on his arrival but was at once released on representations from Consul Canada.

CARRANZIST AGENCY CLAIMS VILLA IS EVACUATING CAPITAL

Washington, Dec. 28.—The Carranza agency here today published the following telegram received from Carranza representatives at Galveston:

"Semi-official reports here, although not confirmed, say that due to lack of communication, the Villa forces are evacuating Mexico City. It is believed they are doing this on account of the crying need of forces in the north, to save lines of communication and to prevent Torreón, Chihuahua and Juarez from being captured. Villa would prefer to engage in a battle outside of the capital with Carranza's army of 150,000 men lying between him and Mexico City.

"Eulalio Gutierrez, through a commission, has authorized Antonio L. Villarreal, as president of the new executive Aguan Calientes convention, to accept his resignation as provisional president and to notify Carranza that his services will be at the orders of the first chief.

"The whereabouts of Gutierrez is now not definitely known, but it is believed he is making his way toward San Luis Potosi. This action on the part of Gutierrez, which is being followed by many of his subordinates, is thought to account in part also for Villa's hurried concentration in the north.

"It was officially reported to the war department that half of the Torreón garrison, which is enveloped by loyal forces, has revolted against Villa and is fighting the other half in the name of Carranza.

HOSTILITIES AT SAN MATEO CONCLUDED TODAY

TODAY'S WAR SUMMARY.

The Russian forces which have been attacking the Galician fortress of Cracow have been driven back 50 miles, and Cracow is now free from immediate menace. It is asserted in Petrograd that the Russians have improved their strategic position by falling back. The capture of Cracow, however, long has been sought by Russia, being regarded as an important step on the way to an invasion of Germany across the Silesian border.

Elsewhere in the east few changes have occurred, the German having for the present relaxed their assaults on the Russian line west of Warsaw.

The French war office says today that further progress has been made by the allies, particularly in the Meuse region. The admission is made, however, that a trench south of Ypres was lost to the Germans. The Berlin communication states that Nieupoort has been again bombarded by British warships and that a few civilians were killed or wounded.

It is asserted that attacks by the allies have been unsuccessful. The American cruiser Tennessee is transporting 500 refugees of various nationalities from Jaffa, Syria, to Egypt. Captain Becker of the Tennessee reported to Washington that permission to remove the refugees has been granted by the Turkish authorities.

The initiative in military operations apparently has been left for the time being to the allies. Aerial raids across the English channel to the lower Thames, over Freiburg, Nancy, Metz and Sochaux, Russia, Poland, and on the German naval base at Cuxhaven, inflicted considerable damage in the aggregate. Details of the Cuxhaven expedition are still lacking, and although Berlin asserts that the British destroyers accomplished nothing, it is said in Hamburg that some damage was done. It is evident, however, that the heavy fog prevented the British from carrying out fully their plans.

Activity on land and sea apparently is diminishing. Even in Russia the fighting is becoming less severe, without a decision having been reached. Vienna admits that the Austrians have been compelled to retreat before the Galician Carpathians, and in Berlin it is said that the attempt to cross the Dniester river, in the advance on Warsaw, has been abandoned.

In the west the onslaught of the allies would seem to have been checked by the counter attack of the Germans.

STATUS CRITICAL BEFORE TURKEY BEGAN WAR

Four Naval Officers Returning from Orient Declare Americans Feared Disorder and Rioting.

New York, Dec. 28.—The Red Star liner Finland returned today from Mediterranean ports, bringing with her four naval officers from the United States cruiser North Carolina, which has been in eastern Mediterranean waters since the outbreak of the war. They are Lieutenant Commander Henry C. Mount, Lieutenant Richard C. Bouffier and Patrick N. L. Bellinger, and Ensign Wadleigh Clapham.

Although the four officers were reluctant about discussing conditions in Turkey, it was learned by their visit to the Finland that for several days after the declaration of war by Turkey a panic existed among American missionaries of the Beirut district and that as a matter of precaution the officers of the North Carolina had dropped out the principal streets around the American consuls and consulates and were in readiness to evacuate to land marines should the occasion demand.

The situation in Turkey will respect to its attitude toward foreigners when they left, they said, was decidedly peaceful. The president of the firing upon the launch of the Tennessee by Turkey was given more prominence, they thought, than conditions justified, as the ship was merely a warning to the warships that crew had to run into a mine field.

The officers are attached to the navy station corps and part of their time abroad had been spent in observing the aerial work of the French and British. They declined to discuss the matter, saying they had a report to make to the naval authorities at Washington.

Scientists Discuss Education.

Philadelphia, Dec. 28.—The importance of scientific education was discussed at the opening session here today of the social and economic section of the American Association for the Advancement of Science. Judson G. Wall of New York introduced the establishment of technical museums and pointed out the great social and economic value of such institutions.

George E. Kings of New York also spoke on the importance of educating the youth of the country along industrial lines. One of the causes of discontent would be eliminated, he said, if the men of the country were more generally educated along industrial lines.

Contractor Dies at Joplin.

Joplin, Mo., Dec. 28.—A. J. Jennings, who as a contractor built many of the railroads in the middle west during the last 50 years, died at his home here today, aged 55 years.

Scott, may be concluded today. The final agreement of both Hill and Maytorens may be obtained by General Scott before the terms proposed by him become operative.

Agents of Maytorens left here today for his camp, ten miles southeast, and they are expected to close the negotiations.

General Scott has received confirmation of the assent of both Villa and Carranza to the terms of peace, which provide that Maytorens should retire, allowing Hill to consolidate his forces here with those at Agua Prieta, and both agreeing not to conduct further military operations along the border where the lives or property of Americans might be endangered.

JUSTICE LAMAR GRANTS FRANK OPPORTUNITY TO ESCAPE HANGMAN

Member of Federal Supreme Bench Over-Rules Georgia Court Which Declined to Take Up Famous Murder Case on Habeas Corpus Proceedings Some Time Ago.

ATTORNEYS WIN FIGHT FOR REVIEW OF CAUSE

Ground for Action Is Claim of Lawyers That State Tribunals Were Held in Atmosphere of Violence and That Fair Trial Was Not Given

APPLICATION FOR APPEAL BRINGS UP NEW CLAIM

Case Will Be Heard by Complete Bench in Eighteen Months or More, Unless State Asks to Have It Advanced; Meanwhile Proceedings Are Stayed.

Washington, Dec. 28.—Justice Lamar of the supreme court today granted an appeal from the decision of the Georgia federal court, which refused to release Leo M. Frank on a habeas corpus proceeding. Frank is under sentence for the murder of Mary Phagan, an Atlanta factory girl.

Attorneys of the condemned man have been fighting for weeks for the appeal which was then previously denied them, although on another phase of the proceeding.

In the present proceeding Frank's attorneys argued to the federal court of Georgia that state courts in which Frank had been convicted of murder had not jurisdiction of their effort because he had not had a fair trial and had been convicted in an atmosphere of violence. They asked the Georgia federal court to release Frank on a habeas corpus writ. Justice Newman refused and declined to grant an appeal to the supreme court. The appeal to Justice Lamar, granted today, permits them to bring their case up for hearing in Washington.

Justice Lamar, in a statement explaining why he had granted the appeal, said the application for the appeal presented an entirely different situation from the application for a writ of error which he had declined to grant some time ago.

The case would be heard by the full court in the ordinary course of business in about a year and a half, unless the state of Georgia should have asked to have it advanced. Meanwhile Frank's execution is stayed.

Justice Lamar included his statement in saying: "The supreme court of the United States has never determined," he said, "whether or not a trial for murder in a state court, the due process clause of the federal constitution, guarantees the defendant a right to be present when the verdict is rendered."

"Nothing has decided the effect of a final judgment refusing a new trial in a case where the defendant did not make the best of his absence when the verdict was returned a ground of the motion, nor claim that the rendition of the verdict in his absence was the denial of a right guaranteed by the federal constitution."

"Such questions are all involved in the present case, and since they have never been settled by an authoritative ruling by the full court, it cannot be said that there is such a want of probable cause as to warrant the refusal of an appeal."

PROSECUTOR HOPES TO GET CASE TRIED IN SIXTY DAYS

Atlanta, Ga., Dec. 28.—Solicitor Dorsey, who conducted the prosecution of Leo M. Frank, said he hoped to have the case heard in the supreme court within sixty days.

Frank was sentenced to be hanged January 22 next.

Mansioned Train Leaves Phoenix.

Phoenix, Ariz., Dec. 28.—Eight westbound transcontinental trains, mentioned in southern Arizona by the flood of last week, some of whom with 500 passengers, some of whom had been stalled since Christmas.

ALLES MAKE VAN ATTACKS IS THE GERMAN CLAIM

Assault on Nieupoort, Supported by Warships, Yields Little to Opposing Forces, Asserts Berlin.

Berlin (by wireless) London, Dec. 28, 3:10 p. m.—The German official statement, given out this morning, reports that the allies yesterday made an attack by land and sea on the town of Nieupoort, at the extreme right of the German line in Belgium, but that no serious damage resulted.

The Germans also reported the capture of several trenches and of a number of prisoners to the south of Ypres, and the failure of French attacks in the region of Arras, Verdun and Seunheim. The text of the communication reads:

"In the western theater the enemy unsuccessfully renewed his attack on Nieupoort, supported by warships, which did no damage to us but killed a few inhabitants of Westende. An attack on the hamlet of St. George also failed.

"South of Ypres we captured one of the enemy's trenches and some dozens of prisoners fell into our hands on this occasion.

"Several violent attacks by the enemy in the region to the northwest of Arras were repulsed by our troops.

"To the southwest of Verdun the enemy repeated his attacks, but they all were without success. A similar effort occurred when he attempted to recapture a height to the west of Serbergh, for which we fought yesterday.

"There is no news from East Prussia or from Poland. North of the Vistula our attacks are developing notwithstanding the very unfavorable weather."

COMPENSATION LAW IS ENDORSED BY JOHN MITCHELL

Prominent Labor Leader Declares New York Statute Has Resulted in General Reduction of Rates.

Philadelphia, Dec. 28.—The workmen's compensation law in operation in New York state gives general satisfaction, with the possible exception of the matter of insurance rates, which experience is proving to have been too high, said John Mitchell, today, in an address before the American Association for Labor Legislation.

Mr. Mitchell, who is a member of the New York state workmen's compensation commission, said the high rate of insurance is the common experience of every state adopting compensation laws. "Lack of comparative statistics," he added, "compels the rate makers to put themselves on the safe side, and a rate to be safely high must be too high."

"In the administration of the state insurance funds, the commission has been able to declare a general average of 20 per cent reduction in rates, and in addition to that to refund 15 per cent dividend upon business of the first semi-annual period."

Mr. Mitchell said that in the actual case of compensation, 86.25 per cent is not too high. When the operation of the law has settled to a firm basis of administration, he said, it will not only be 30 added business upon the industries of the state.

Unwritten Law Frees Alford.

Trenton, Tenn., Dec. 28.—James A. Alford, a wealthy insurance man of Rutherford, Tenn., today was acquitted of the murder of Harry Coulter, a lawyer, in September, 1912. The case has been in the hands of the jury since Saturday evening. Alford claimed he shot Coulter and the latter's father, W. S. Coulter, in defense of his home.

Torres la Colorado Pillaged by Wild Yaquis

On Board U. S. S. San Diego, Guaymas, Mexico, Dec. 28.—(By Wireless via San Diego, Cal.)—Wild Yaqui Indians from the mountains attacked and pillaged the town of Torres la Colorado, 55 miles north of here, yesterday.

So far as can be learned, no lives were lost, but the foreign consuls have been appealed to for prompt assistance to send troops to take the situation in charge.

FRANCE ADMITS A SMALL LOSS BUT CLAIMS GAINS

Trenches Near Ypres Taken by Germans Do Not Outweigh Successes in Other Regions, Says Paris.

Paris, Dec. 28 (3:45 p. m.)—The French official statement given out today concedes the losing of certain trenches to the Germans, but otherwise claims advances for the forces of the republic.

Advances have been made in Belgium and near Lens the French progressed 800 yards. Near the Meuse there has been slight progress and a German attack in upper Alsace was driven back. The French lost trenches to the Germans near Ypres.

The text of the communication follows:

"In Belgium we have continued to advance. To the west of Lambartville we are actually at the foot of the sand dunes on which the enemy has established his line of resistance. At a point south of Ypres we have lost a section of the trenches near Hottelville.

"In the region of Lens, Germany, the enemy violated under our attacks 400 yards of front line trenches.

"In the valley of the river Aime and in Champagne there has been intermittent artillery fighting which was particularly severe in the vicinity of Rheims and around Forth. Here the enemy directed their artillery fire especially against the positions to the west of Forth, captured and occupied by us.

"On the heights of the Meuse there has been slight progress on our part along the entire front.

"In the Vosges the enemy bombarded the railroad station at St. Die, but the railroad service has not been interrupted.

"In upper Alsace, to the northeast of Steinbach, a counter attack of the Germans was repulsed."

WARRING NATIONS TREAT CAPTIVES WELL IS REPORT

Special Attache of American Embassy in London Makes Investigation Which Clears Belligerents of Brutality.

Washington, Dec. 28.—Charles Anderson, who as a special attache of the American embassy in London made an investigation of military prison camps in practically all the European belligerent countries, declared today there was no substantial difference in the treatment of prisoners of war and that probably in every case they were cared for as well as the captors could afford, considering their own military necessities.

Mr. Anderson made personal investigations in Belgium, Germany and Austria, and also had knowledge from reliable sources as to conditions in France and Russia.

Mr. Anderson praised the work being done by Walter Hines Page, the American ambassador at London, and said that through the excellent relations Mr. Page has established with the foreign office he has been able to accomplish many things beyond the reach of another attache.

The Germans, at the date of Mr. Anderson's departure from Europe had about 45,000 prisoners of war. About 200,000 were Russians, an equal number French and about 12,000 British, the remainder being Belgians. The prisoners were given the regular army ration and their principal lack was clothing suitable for the season and opportunities for bathing. Most of them had been arrested in summer and fall wearing light clothing, and were consequently suffering somewhat from the cold.

The military prisoners, particularly those found in the worst circumstances because the German government would not allow them to accept and wear civilian clothes, but it facilitates their escape.

In England the German and Austrian prisoners had been confined to the face rooms, but more recently have been transferred to ocean liners lying idle at their docks. The quarters on the vessels are good, with every facility for keeping the prisoners warm and properly fed.

Conditions in Austria, Mr. Anderson said, are very like those in Germany and the same is true of Russia. One of the unenviable hardships of the prison camps in all countries was the enforced association of all elements of society.

Tennessee Transports Refugees.

Washington, Dec. 28.—The cruiser Tennessee, with the permission of the Turkish government, and at the request of American Ambassador Morgenthau, is transporting 100 refugees of various nationalities from Jaffa, Syria, to Alexandria, Egypt.

RUSSIANS FORGED TO RAISE THEIR INVESTMENT OF CRACOW

Attempt by Austrians to Divide Forces of Czar in Galicia Leads to 50 Mile Retreat Eastward.

BATTLE LINES IN BOTH ARENAS HALT ADVANCES

Only Minor Advantages Gained or Lost in Last Three Days of Fighting in Eastern and Western Theatres.

Petrograd, via London, Dec. 28.—(3:16 p. m.)—The investment by the Russians of the Austrian fortress of Cracow has again been raised. Following the discovery of an attempt made by the Austrians to divide the Russian forces in Galicia, the Russians retreated eastward for a distance of fifty miles.

The Russian Galician army, which a short time ago was in touch on the south with the Austrian garrison defending Cracow, moved back to the Dniester river, which is some fifty miles east of the former Russian position.

Notwithstanding the fact that the Russian retrogression completely reversed the investment of the fortress of Cracow, it is claimed by military observers to be a marked advantage for the Russians, the retirement being due to the discovery of the Austrian plan to divide the Russian forces in this region.

The Austrians, reports from the Russian southern front say, began advancing December 24 from Tymbarak, thirty-five miles southeast of Cracow, with the apparent object of swinging around the left of the Russian line along the Vistula, northward of Tarnow, and joining forces with the army of General Boehm-Ermolli, which was advancing along the railroad from Sasek to Laska.

The premature appearance of General Boehm-Ermolli's army to the south of Presov, however, put the Russians on their guard and the Russians concentrated along the Dniester river, moved down and attacked the Austrians at Tarnow. After three days of fighting they were successful in preventing a junction of the Austrian armies.

Meanwhile the attention of the Russians was directed to the Austrian advance along the Sasek, which movement was checked. After their success in this direction the Russians took the offensive along the Dniester river.

Christians say the Russians won the battle of Turek, the Austrians retreating throughout the following day. The Russians captured 3,500 prisoners and eighteen machine guns. After the Russian success to the westward, the battle and the fighting stopped. The British and French troops remained in the hands of Turek. The Russians' possession of a twenty-mile strip of territory and the success in securing the two Agraria rivers.

General Boehm-Ermolli's army of 100,000 men is in full retreat and the western army of the Austrians is reported to be badly crippled.

Russian forces, according to advices received today from Galia, have succeeded in crossing the Dniester river and in taking possession of a 10-mile strip of territory south of Turek, thereby separating the two Austrian armies. The two forces of General Boehm-Ermolli, the Austrian commander, are claimed by the Russians to be increasing appreciably and the western Austrian army is said to be badly crippled.

ONWARD MOVEMENTS LOSE HEADWAY IN BOTH ARENAS

London, Dec. 28 (3:45 p. m.)—On the battle lines in both the eastern and western arenas of the war, the onward movements seemed today to have lost something of their headway. On the western front the allied officers have now—drill plan, a lack of vigor, while General Von Hindenburg, the German commander, seems to have come to a standstill on the Vistula. At the same time Vienna admits a check to the Galician forces stationed along the Galician Carpathians.

French troops during the past three days have made minor advances, but the official communications given out in Paris, but apparently not at the same rate of speed as reported a fortnight ago.

North of the river Vistula, in Russian Poland, the Germans, again reinforced, have retaken the town of Alissa, but south of the river they still stand on their old ground in southern Poland, where the German right wing in Austrian left, there has been some fierce fighting with slight gains for the Austro-German allies, judging from the reports coming from Berlin and Vienna.

In the Galician Carpathians, the Austrians have been compelled to give ground, according to an official statement issued in Vienna and Petrograd declares, also officially, that